

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT  
OF NEW YORK**

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**In Re DMCA Subpoena to Twitter, Inc.** : **Case No.** \_\_\_\_\_

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: **Declaration of Daniel Marcus, Esq.**  
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I, Daniel Marcus, Esq. declare, under penalty of perjury, as follows:

1. I am over the age of 18 and am competent to testify to the matters contained here. I have personal knowledge of the matters contained in this Declaration.
2. I am an attorney who represents StatMuse, Inc. (“StatMuse”), which owns the copyright to the image entitled, “StatMuse CEO” bearing U.S. Copyright Registration No. VA 0002321046.
3. Twitter, Inc. operates the microblogging platform known as “Twitter.”
4. StatMuse discovered that the Twitter users bearing the usernames listed in the request to the clerk for issuance of this subpoena used StatMuse’s copyrighted image in various microblogs or “Tweets” without the consent of StatMuse.

5. Attached as **Exhibit A** to this Declaration are true and correct copies of the takedown notifications sent to Twitter, Inc., pursuant to 17 U.S.C. § 512(c)(3).

6. The purpose for which this DMCA Subpoena is sought is to obtain the identity of the alleged infringers and such information will only be used for the purpose of protecting StatMuse's rights under 17 U.S.C §§ 100, *et seq.*

I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

**Dated:** October 27, 2022

/s/ Daniel Marcus

Daniel Marcus, Esq.

